

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA McGARR,

Plaintiff,

07 Civ. 9488 (KMK)

-against-

ANSWER TO CROSS-CLAIMS

CITY OF PEEKSKILL, WESTCHESTER COUNTY,
DAVID LEVINE, THOMAS McINTYRE,
WALTER BROVARSKI, EUGENE TUMOLO,
JOHN and JANE DOE, SUPERVISORS,
DANIEL STEPHENS, GEORGE BOLEN,
LOUIS ROH and MILLARD HYLAND,

Defendants.

-----X

Defendants, Westchester County, George Bolen, Louis Roh and Millard Hyland, by their attorneys, Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP, of counsel to Westchester County Attorney Charlene Indelicato, as and for their Answer to the Cross-Claims of defendant Eugene Tumolo, state as follows:

ANSWERING THE FIRST CROSS-CLAIM

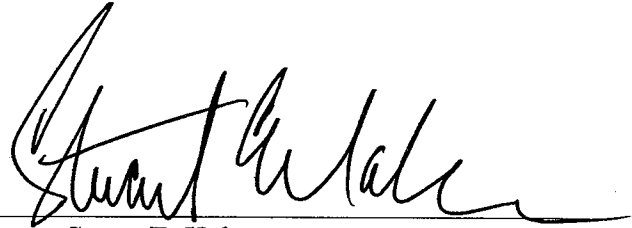
1. Defendants deny the allegations contained in defendant Eugene Tumolo's first cross-claim denominated as paragraph "1".

ANSWER THE SECOND CROSS-CLAIM

2. Defendants deny the allegations contained in the second cross-claim of defendant Eugene Tumolo denominated herein as paragraph "2".

WHEREFORE, it is requested the cross-claims asserted against defendants Westchester County, George Bolen, Louis Roh and Millard Hyland by defendant Eugene Tumolo be dismissed in their entirety.

Dated: White Plains, New York
July 16, 2008

A handwritten signature in black ink, appearing to read "Stuart E. Kahan", written over a horizontal line.

Stuart E. Kahan

Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP
120 Bloomingdale Road
White Plains, New York 10605
(914) 422-3900 - office
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*Of Counsel to Westchester County Attorney Charlene
Indelicato Attorneys for defendants Westchester
County, Louis Roh, Millard Hyland and George
Bolen*

TO: Eric Hecker, Esq.
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Ridgewood, New Jersey 07450

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

PAULA L. CHABLAL, being duly sworn, deposes and says: I am not a party to this action; I am over 18 years of age and I reside in Westchester, New York.

On Wednesday, July 16, 2008, I served the within ANSWER TO CROSS-CLAIMS upon:

Eric Hecker, Esq.
Emery, Celli, Brinckerhoff & Abady, LLP
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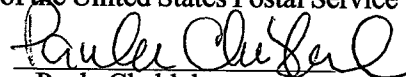
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by depositing a true copy of the same enclosed in a first-class, postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Paula Chablal

Sworn to before me this
16TH day of July, 2008


Notary Public

GREGORY J. SPAUN
NOTARY PUBLIC, State of New York
No. 02SP6054146
Qualified in Westchester County
Commission Expires 1/29/20 //